

CALFRESH REQUEST FOR POLICY INTERPRETATION**PI# 17-110**

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Retain a copy for your records and submit via email to CalFresh-PI@dss.ca.gov.

Please note: the policy interpretation provided is based on the unique set of facts presented and should not be assumed to apply in all scenarios.

1. RESPONSE NEEDED DUE TO:		5. DATE OF REQUEST:	NEED RESPONSE BY:
<input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Other:		12/20/2017	01/22/2017
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION:	
		San Joaquin County Human Services Agency	
3. PHONE NO.:		7. SUBJECT:	
EMAIL:		Child Support Exclusion	
4. REGULATION CITE(S):		8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references)	
63-502.2(p); 7CFR 273.10(a)(5)		NOTE: All requests must have a regulation cite(s) and/or a reference(s).	
		ACIN I-96-06 Q#5, ACIN I-58-13 Q#21, ACL 12-25 Page 35.	
9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):			

This policy clarification affects a multitude of cases. Child support is issued in a monthly amount owed; however, the exclusion only allows for what is actually paid (not to exceed the monthly ordered amount and arrears). Those who pay child support will often have it garnished (or voluntarily) taken from their weekly or bi-weekly paychecks.

Example: A client has a \$500 a month child support obligation, but only pays \$225 per paycheck, paid biweekly. If factored the exclusion would be \$487.58 per month... but if not factored it would be \$450 for 10 months out of the year and \$675 for 2 months out of the year (which exceeds his monthly obligation). How should the child support paid (exclusion) be treated in a SAR prospective budgeting budget while maintaining the "benefits are frozen for the SAR period" concept of SAR reporting. If the exclusion is not factored then is the CWD responsible for recalculating the amount paid in the months in which the client makes 5 payments (weekly pd) or 3 payments (bi-weekly)?

State clarification needed. Possible options listed below:

10. REQUESTOR'S PROPOSED ANSWER:

ACIN I-96-06 Q#5 and ACIN I-58-13 Q#21 – both state that the child support paid is an "exclusion" and therefore calculated monthly (not factored) not to exceed the monthly amount owed. "Deductions" are factored.

Option 1 (C-IV programming) - Child support, if paid weekly or biweekly is factored.

Option 2 - Child support, if paid weekly or biweekly, is factored only when the factored amount paid is under the amount that is legally obligated to pay (like in example above).

Option 3 - Child support, if paid weekly or bi weekly, is not factored and CWD will not adjust any month in which the client pays on a 3rd (bi-weekly) or 5th (weekly) paycheck which keeps their allotment frozen for the SAR payment period.

Option 4 - Child Support, if paid weekly or bi weekly, is not factored and CWD will adjust any month in which the client pays on a 3rd (bi-weekly) or 5th (weekly) paycheck which does not keep their allotment frozen for the SAR payment period.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

Based on the submitted question, the CWD should apply Option 3. This option would not factor the child support expense and would not adjust any month in which the client pays on a 3rd (bi-weekly) or 5th (weekly) paycheck and the allotment would stay frozen for the SAR payment period. Below is the rationale for this response.

According to MPP section 63-502.2(p)(1) "the child support exclusion is the monthly amount of child support payments that a household member...actually makes." Additionally, MPP section 63-502.2(p)(4) mandates that payments are excluded only to the extent that they represent the household's child support which has been ordered by a court or administrative authority.

(response continued on the next page)

FOR CDSS USE

DATE RECEIVED:

12/27/2017

DATE RESPONDED TO COUNTY/ALJ:

01/03/2018

CALFRESH REQUEST FOR POLICY INTERPRETATION (Continued)**PI#17-110**

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<input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Other:		12/20/2017	01/11/2017
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(continued from the first page)

In this instance, the client is making child support payments monthly in the amount of \$450 dollars, taking into account that some months in the year will result in extra payments due to how pay periods fall. The amount being garnished is less than the required amount of \$500. The CWD asks whether the amount of child support being garnished bi-weekly or weekly should be converted to allow for circumstances when the client pays on a 3rd (bi-weekly) or 5th (weekly) paycheck. ACIN I-58-13, question 21 states that under SAR, child support is an income exclusion and not a deduction, therefore multipliers are not used. Whatever amount is legally obligated [within a month] and is paid, is the amount allowed as the income exclusion. In the case described above, if an additional check is deducted due to an additional pay period occurring in the month, the CWD is allowed to exclude up to the maximum amount of ordered by the court for the month, here, \$500.

ACL 13-17 states that for CalFresh, CWDs must use anticipated and averaged expenses over the length of the certification period, and revise at mid-period when the household submits its periodic report form or a voluntary report that results in increased benefits. CalFresh SAR households are only required to report mid-period when their income goes over the IRT of 130 percent of the federal poverty level for household size, and if ABAWD work hours drop below 20 hours averaged monthly outside of the household's initial application or recertification and SAR 7 reporting month, which is not the case here. Therefore, there would be no fluctuation, outside of the recertification period to the CalFresh allotment as a result of the extra child support payment.